Research Proposal of the Thesis Entitled

An Analytical Study on the position of Reporting of Information to Police vis-à-vis the Role of Police under the Criminal Procedure Laws in India.

In Partial Fulfilment of the Requirements

for the Degree of

DOCTOR OF PHILOSOPHY

Submitted by

Akshaysinh Nitirajsinh Chudasama

(Enrollment No.202203012)

Under the guidance of:

Prof. Dr. P. Lakshmi

Dean (Law)

UNITED WORLD SCHOOL OF LAW

KARNAVATI UNIVERSITY

GANDHINAGAR

GUJARAT – 382 422

Sr No.	Particulars
1	Introduction
2	Significance of Research
3	Review of Literature
5	Research Gap
4	Research Objectives
5	Research Methodology
6	Scope of Research
7	Hypothesis
8	Research Questions
9	Limitation of Research
10	Problem Identification
11	Contribution to Society
12	Chapterisation
13	References

INTRODUCTION

"Justice delayed is justice denied." - William E. Gladstone

Criminal law generally encompasses substantive criminal laws, which define offenses and prescribe punishments. In contrast, criminal procedure outlines the methods through which these laws are enforced. For instance, the law that prohibits murder is a substantive criminal law, whereas the process by which the government enforces this law through evidence collection and prosecution falls under criminal procedure. Consequently, the Criminal Procedure Code (CrPC) can be viewed as a foundational codification in the realm of criminal law.

A crucial aspect of the CrPC is the First Information Report (FIR), which, despite its significance, is neither explicitly defined nor interpreted within the entire code. The CrPC, enacted in 1973 and effective from April 1, 1974, has undergone approximately 17 amendments since its inception. However, many significant issues remain unresolved despite numerous guidelines from the Supreme Court in various landmark cases.

Major Amendments in Criminal Procedural Code took place considering the increase in crime through technological advancement, etc through Criminal Procedure Code, 2013.

While Bhartiya Nagarik Suraksha (Second) Sanhita ,2023 (BNSS Act) Bill No. 122 of 2023 passed on 21st December 2023 and assented on 25th December replaced the existing CrPC repealing 9 sections of the existing act wef 1st July 2024.

However, even after such drastic changes, the issues related to the reporting of information to the police and the role of the police under the criminal procedure laws remain unresolved. The ambiguity surrounding the procedural requirements for FIR registration, the lack of clarity in legal definitions, and the discrepancies in enforcement across different states continue to undermine the efficiency and fairness of the criminal justice system. Addressing these challenges requires a comprehensive analysis of the current legal framework, the implementation of robust accountability measures for police officers, and the adoption of advanced technological solutions to streamline reporting and investigation processes among others.

SIGNIFICANCE OF RESEARCH

It is important to note that the significance and utility of this research reflects the vital need of the hour to regulate and analyze the Criminal Procedural Codes especially in the context of the footstep of every crime i.e. the Information related to the crime being recorded and registered & to implement number of amendments in the present enactments and that the reforms are implemented by including technological advancements affixing the accountability, time boundness and non-biasness in the system of Reporting of Information under the Criminal Procedural code of India.

LITERATURE REVIEW

Books

Anupam Sharma and Razit Sharma, (2015) , It offers a comprehensive analysis of the development of policing in the India police service with examining the fundamental aspect starting from ancient Indian polity to the modernized polity. The book lavishes onto the Model Police Act of 2006 right from its provisions to its impacts and the challenges faced during the process of its pragmatic execution. It analytically assesses all aspects of policing including the problems of economic factors, curriculum issues and the extent to political pressures that troops the police. For that reason, it points out the economic difficulties that affect police modernization and reforming, stresses the need to design new training curricula to account for the modern threats, and analyses the factors that are connected with political interferences in the policlinic goals and decision making. Thus, the readers may get all the diverse problems of the IPS as the book provides methodologically sophisticated and multi-dimensional information necessary for policy-making, practice and research.

J.C. Chaturvedi (2006) , The book also insists on analyzing the history of the police system in India and the goals that have been developed based on the Commissions of 1860. The first was to create a civil constabulary force meant to replace the use of ‘Native Troops’ in army as they had rebelled against the British authority in the year 1857. This concavity sought to maintain internal stability, safe guard Britain’s interests, and also respond to the problem of economization. This proposed constabulary was designed as an inexpensive and less hazardous way of implementing military police for preservation of public order, protection of

lives, and properties as well as the apprehension of criminals. Besides this, it was required to protect governmental and public facilities and objects including jails and treasuries, as well as to undertake different civil tasks. This book gives a detailed, historical background on how these mandates have shaped the development of the police system and the adoption of the Model Police Act of 2006. In addition, it looks into some of the current issues including lack of updated curricula and political influence which has not left the functioning of the police force in India unchanged.

Kuldeep Singh & Shaveta Begra (2020), The book delves into the essence of democracy, exploring its fundamental principles, meaning, and practical implementation, particularly in the context of elections. Democracy, as elucidated within its pages, embodies the ideals of popular sovereignty, equality, and civic participation, wherein the will of the people is paramount. It meticulously examines the intricate relationship between democracy and elections, portraying elections as the cornerstone of democratic governance, facilitating the expression of citizens' preferences and the peaceful transfer of power. Moreover, the book delves into the rights and duties of citizens within the electoral process, emphasizing the importance of voting rights, political participation, and accountability. It also delves into the pivotal role of election commissions in upholding the integrity and fairness of elections, ensuring that they are conducted freely, fairly, and transparently. This comprehensive exploration underscores the significance of democracy as a guiding principle in shaping societies and fostering inclusive governance.

K.M. Mathur,(2013), The book delves into the evolution of policing across different societies, exploring its anticipated role within pluralistic and developing contexts. Through a thorough examination, the author analyzes various critical issues concerning police culture, leadership, morality, and training, considering evolving perspectives. The book meticulously outlines the complexity and intensity of police work, shedding light on organizational dynamics and social identities within diverse communities in democratic environments. Encompassing a wide array of topics such as collective violence, terrorism, and agrarian unrest, it provides insights into the challenges confronting law enforcement in modern society. Additionally, the book scrutinizes the factors contributing to the decline in police morale amid societal changes. With its comprehensive approach, the work serves as essential reading not only for police officers but also for policymakers, administrators, politicians, students, and the general public, offering valuable perspectives on policing and its societal role.

Journal Articles

Arvind Tiwari ,(2016), This Journal Article reveals significant challenges within the Indian police system, such as manpower shortage, heavy work pressure, and inadequate resources, which adversely impact crime registration and investigation while crumbling public faith in law enforcement. This distrust further compounded by other studies that show that 75% of people fear the police and refrain from lodging complaints, a situation intensifies by negative police behavior towards complainants. Additionally, the study highlights gaps in the political economy of crime statistics and the complexities surrounding cognizable and non-cognizable offenses. Furthermore, issues such as false complaints, police officials corruption, and bureaucratic obstacles hinder the process of crime registration and investigation. Addressing these systemic issues through evidence-based interventions is crucial for reforming the police system.

Chander Shekhar, (2012), Criminal Justice Administration in India which comprises the police, judiciary and prisons also suffers from weaknesses especially in human rights abuses by the police force thus eroding the public confidence. Despite the efforts by commissions, committees and court directives, the achievement is impaired by outdated structures and poor implementation. This calls for qualitative improvements with reference to professionalism, accountability and customer-oriented outlook within police forces. Over the years, attempts have been made to improve these facets, yet current obstacles include historical precedents, political involvement, and inadequate managerial independence. The aim is to change the structure of the police into an instrument of law that fosters the growth of the society and order in line with human rights that is necessary for rebuilding the public confidence in the criminal justice system and upholding the democratic values in India.

K. Singh, (2022), The discussion delves into the multifaceted role of police in the preservation of order and crime fighting; affirming the position and function of police in public and social order which is highly significant though problematic with concerns to corruption, torture, illegitimate arrests, and manipulation. Nevertheless, the role of various parties, including the government, voluntary organizations, local authorities, individual, and the police forms civil society and combat crimes. However, there are many weak links in terms of the operationalization of Criminology within the working of the police, which suggests that further research has to be conducted in order to improve the efficiency of Policing techniques.

N. Manjaria, (2014), The data provides a comprehensive review of public perceptions regarding the police system in India, covering the need for improving the police image, satisfaction with police performance, acceptance of mental stress faced by police officers, and the necessity of police reforms. It also addresses issues such as arbitrary arrests, citizen protection, the recruitment of more police personnel, public-police relations, and the handling of criminal investigations. These findings illuminate the complex dynamics between the police and society, highlighting both areas of concern and potential improvement.

Rajesh Indora , (2020), This study takes a closer look at the police system in India through identifying their strengths and weaknesses, and find out those areas that need to be reformed. This sheds the light on the fact that the nowadays crime commitments rates is growing and the artesian police system cannot handle it successfully. It also brings out the impairment of the human rights amongst the policing lines with matters like political influence, nepotism, and bureaucracy as components. This particular study aims at unearthing those complicated issues that are breeding inefficiency and misconduct in the police system using the foundation that was laid during the process for better reforms. Furthermore, the paper delves into specific demerits within the police system, focusing on two critical aspects: they may fake the non-recordable nature of crimes committed or they may be rude to people. It investigates those situations in which police officers, by their own will and caprice, neglect or limit imputation to remote offenses and, in turn, may distort crime statistics; produce an image of public disorder in situations of a high level of crime; and prevent bringing the offender to apprehension and justice. In addition to that, there will be an evaluation of incidents when police were involved in misconduct and unethical behaviors exhibited towards the public. This behavior is not only blowing up the trust in law enforcement but also any existing conflicts that have been existent between the police and the `communities they have been serving. Through investigation of these intrinsic imperfections and shortcomings, the paper to a great extent recommend updating of police system for the sake of justice, accountability, general transparency and therefore, creation of a fair and just society.

Kumar, M. (2013). In ancient times, accountability within policing structures was hierarchical, with each officer reporting to their superior, while ultimate authority resided with the king, who served as both the organizational head and the law. This centralized control placed the primary responsibility for crime prevention and detection on the king and those directly

accountable to him. During the Sultanate and Mughal periods, policing was marked by tyranny, secrecy, and repression, prioritizing the interests of the throne over those of the populace. Thanedars, overseeing law and order at the district level, often relied on military force rather than civilian policing, exacerbating the exploitative nature of the administration. A Judicial Letter to the Bengal Government in 1824 underscored the Superintendent's role in apprehending robbers and emphasized the importance of judiciously exercising arrest powers to prevent crime. However, despite these directives, the police force was observed to have become burdensome to the people, indicating a failure to effectively fulfill its intended responsibilities.

During the British colonial period, the structure of policing remained in a constant area for the period of about 1861 up to the period of independence which many people expected to change immediately the country gains independence. Prof. David H. Bayley : India on the expectation of its speed of change should have been expected to transform the organization of police rapidly after inde pendence, however has not done so rather it has kept the very same system which the British established in 1861. However, it is not that the control mechanism of the British Raj has ceased to exist but got rejuvenated in a new political dispensation. ". This force remained the same for them change is only with change in power and implementation of minor changes into the structure, recruiting method, curriculum, disciplinary measures and perception of the public.

Anupam Sharma , (2004), During the Gupta Empire, the police functioned as a separate yet rudimentary organization, as documented in Visakhdutta's Mudrarakshasha and Fa Hein's accounts. Dandin's Daskumarcharita sheds light on urban policing, where watchmen armed with weapons like trenchens patrolled roads and highways, detaining suspicious individuals, including women, and guardmen remained vigilant at key locations. Spies, known as Gudhapurusas or Caras, were integral to police control. After the Gupta Empire's decline, India fragmented into smaller kingdoms during feudalism. Kalhana's Rajatarangini provides insight into policing in North Indian states like Kashmir, where leaders like Hariraja ensured safety. Law and order conditions remained stable under Harsha in the north and Pulakeshin in the south. South Indian police administration differed, featuring specialized departments and a decentralized structure, with chiefs like Chaur Rajjuka and Vivitardhyaksha tasked with apprehending thieves, ensuring effective law enforcement management.

Gupta, R. K., (2004), According to the article, the importance of law and order in social, cultural and economic development of society is pointed out and the need for it to prevail for the welfare of the societies is advocated for. It emphasizes the necessity of a sound rule of law so as to provide a conducive environment for the complete psychological and scholarly maturation of the people. But it is lacking to go deeper into measures that have to be employed in order to sustain law and order or look into contemporary problems within this domain. The possibility of the further research topics includes the comparison of different models of law enforcement agencies, the influence of socio-economic factors on law and order and the role of modern technologies in the system of security. Furthermore, the discussion considers historical aspects and sees that the importance of national security was pursued through organizations like the Sena, less-mobile and healthy citizens who pledged to protect the country. The article also quotes Maharshi Valtaikin's Ramayan regarding the need to be prepared and willing to defend the nation from within and outside. But it bipolarizes the present security structure as self-centered and competitive in nature and demands a change of thinking in terms of people-oriented security framework to ensure the welfare of the society.

Vageshwari Deswal (2013), The term "Burking," associated with crimes, refers to the peaceful repression or total elimination of information, particularly the absence of crime-related data in records, which hampers the investigative process and slows down police and governmental efforts. Law enforcement agencies and government officials are often evaluated based on crime rates during their tenure, creating pressure that can lead to the manipulation or non-recording of crime statistics—an occupational hazard within the police force. This problem primarily arises from the intentional non-recording of information related to cognizable offenses. Legal precedents, such as the Ramesh Kumar case, affirm that under Section 154, officials must register a case upon receiving notice of a cognizable offense, regardless of the informant's credibility. Similarly, the Kalpana Kutty case established principles for conducting preliminary inquiries. The failure to register such reports often prevents marginalized groups from obtaining justice for offenses committed against them. Although police officers sometimes have discretion in deciding whether to start an investigation, it is crucial to adhere to legal and constitutional guidelines to ensure fairness and justice in the legal system by distinguishing between trivial complaints and those warranting investigation.

Raperia, Saurabh, (2022), In the case of Lalita v. State of UP and others, the Supreme Court gave the direction to the registration of the FIRs. The Court pointed out that the police officers

are duty bound to register a First Information Report when they come across the evidence that there was a cognizable offence committed. The instruction was rephrased to read that, in the situations of non-cognizable offences, police have the same investigative authority as the prosecutor but they cannot go to trial or arrest people without the permission of the judge. Although the legal system has a well-defined structure for this purpose, the actual execution of it is not always correct because the police usually do not file FIRs even when they are given a solid evidence of a cognizable crime. The disregard of the criminals in the law forces the complainants to make several visits to the police officials and bear significant legal costs, while the courts, burdened with heavy workload, take months to direct the police action.A number of issues are behind the police's hesitation to register FIRs. Law officers might refrain from filing so that they can keep the crime rate low or because they know that certain cases are politically sensitive. The registration of FIR is often delayed, hence the evidence submitted can be of no legal significance. In spite of the fact that an FIR may not always be taken as substantial evidence, in some exceptional scenarios like a dying declaration, it can be crucial for the conviction of a person. The judiciary has always insisted that FIRs must be filed immediately after an incident so that the memory of the informant is not altered and the possibility of the evidence manipulation is lessened. As a result, any FIR filing delay can highly damage the statement credibility.

The legal provisions for FIR registration are simple to comprehend, yet their implementation is encumbered by numerous practical difficulties. The systemic delay and the unwillingness of the police officers to register FIR s not only frustrating the complainants but also the whole criminal justice process is being compromised. The importance of the immediate and unbiased registration of FIRs is very much essential in the maintenance of the integrity of crime investigation and the strengthening of the confidence of the public in the law enforcement. Further research should be devoted to the discovery and the implementation of the measures that will be able to make the police accountable and make the FIR registration process faster, thus, fixing the present deficits between the legislative intention and the reality.

Albin Anto ,(2021), The paper underscores the fundamental principles of justice and the rule of law, aligning with John Locke's ideals on protecting individual rights, and stresses the need for a robust judicial system to uphold liberty and justice. It highlights systemic challenges such as insufficient judicial strength and the inconsistent appearance of essential witnesses, which impede these goals. Notably, only 10.5% of judges reported that police and other key

witnesses appear in all cases, while 47.4% said they appeared in most cases, 26.3% noted occasional appearances, and 15.8% observed appearances in few cases. The police were identified as the second largest hurdle in the timely disposal of cases. The excerpt calls for practical solutions to these issues, emphasizing the judiciary's critical role in maintaining the rule of law and safeguarding individual rights in India. It also analyzes the judicial system's challenges, particularly delays and backlogs, within the framework of Locke's social contract theory, which advocates for a just and effective legal system to protect individual rights.

Maj (Dr) Anil Balhera (2018) , Refusal to register a FIR under section 154 (1) CrPC is significant since FIR is the basis for legal complaint in criminal cases as well as activates police in terms of Chapter XII of CrPC. Yet, it should be noted that an FIR is not considered as a substantive evidence but its importance is appreciable. The Apex Court in State of Haryana v. Bhajan Lal also summarized that police cannot reject to register a case if there are facts of a cognizable offense which are credible. Therefore, the police officers have no discretion in the arrest of a suspect once they receive information that must be registered under the Section 154(1) provisions. This was established better by the case of Mohindro v. State of Punjab which clearly shows the seriousness of deliberate non-registration of an FIR as the supreme court had ruled against refusal on the basis of prior investigation claims and emphasized the need for registration of an FIR for effective delivery of justice. Failure or even undue delay in registration of an FIR will always besmirch the face of the legal system and hurt the masses.

Harsh Khanchandani (2022) , In the case of Lalita Kumari v. Govt. emphasises one where the minor, through her father, sought a protection under the writ petition after kidnap, but was frustrated by lack of intervention of police to report the case and register FIR under section 154 of CrPC. Moreover, in Uttar Pradesh, the Fam Seva scheme also focuses on the significance of petitionized FIR registration to restore families. The petitioner’s position was that Sections 154(1) requires the registration of an FIR having received information of cognizable offense and emphasized on the use of the word ‘shall’ in the Act. At the same time, the opposition favored police discretion and believed that before conducting an investigation, more information needed to be collected. In the present case of Em. S. vs. State of Kerala and Anr. , the Supreme Court made a decision that FIR registration is mandatory where information provided gives particulars of a cognizable offense, thereby rejecting the concept of preliminary inquiry in such cases. With regard to the prima facie FIR recording and the

consequent capability to put forth criminal initiation, and maintain original evidence, the court dismissed the police discretionary allegations. The ruling also lists good examples as to when initial investigations may be acceptable, including family-related issues or business related felonies. This has affirmed the position of the court to abide by the legislative enactment and prompt registration of FIR to protect the rights of the citizens and secure justice. The case can be viewed as significant within the context of legal practices to support mandatory FIR registration and protect citizens' rights when navigating the justice system.

Tanya Singh , and Dr. Pramod Kumar Singh , (2014) , The failure of police to register FIRs and their reluctance to ensure timely registration constitute significant challenges in India's criminal justice administration. In response to this issue, the Supreme Court has intervened, notably in 2008, addressing delays in lodging FIRs and conducting investigations. The court issued directives to governments of all states, Union Territories, police commissioners, and other police heads to proactively address these lapses, prevent delays, and avoid denial of FIRs by police officers. The aim is to ensure expedited investigations and deliver justice to victims of cognizable offenses. The paper seeks to raise awareness among students, police officers, lawyers, and judicial magistrates regarding this issue, as the non-registration of FIRs results in the denial of justice to millions of disadvantaged Indians. Denying the registration of FIRs by police or magistrates constitutes a violation of both legal and human rights of victims of cognizable offenses. Refusal of police or Magistrate to register an FIR is not only a violation of legal but also human rights especially of those who are victims of cognizable offenses. In the case of "Nagesh V State of Karnataka" the Hon‟ble Apex Court ordered disciplinary action against the delinquent policemen who failed in their duty of filing FIR qua information about a cognizable offence.

Similarly in "Umakant Singh V State of Bihar", the Honourable High court has also given the direction to start disciplinary action against the officer who maliciously and deliberately declined to register the FIR. The Hon‟ble Full Bench of Apex Court has also held in its recent judgement in Lalita Kumari V. Govt. of U. P. ‟ that police officer cannot deny his duty to register the offence if cognizable offence is made out and appropriate action should be taken against erring police officers who do not register FIR if information received by him discloses a cognizable offences.

Sai Sindhura Kongara , (2022) , The First Information Report (FIR) is a crucial initial step in criminal procedures, though it holds no evidential weight. Delays in filing FIRs, whether due to the informant or the police department, can negatively impact the case and hinder the pursuit of justice. Such delays may allow the accused to avoid punishment, casting doubt on the authenticity of the charges. Purposeful delays or manipulations by investigating officers further jeopardize the inquiry process. It was laid down by the Supreme court in the case of "Thulia Kali v. State of Tamil Nadu" that FIRs are crucial in cognizable offenses and must be lodged time-bound. For instance, in the case of State of AP v. Punati Ramulu, the court discussed those cases where the investigating officers don't enter the first information report promptly, and the whole investigation process become flawed and may involve manipulation of evidence. The court observed that cases do not come to court due to untimely filing of FIRs and that the accused abscond; which are all indications that the said officers have neglected their duties. The Supreme Court, when headed by M. R. Sarin, wanted a clarification between the pertinent terms of Section 157(1); 'Forthwith,' he stated, refers to the police giving immediate action taken. The case of "Alla China Appa Rao and Others v. State of A.P." the court observed thus: "The expression 'forthwith' was held to mean 'immediately or at once,' but in the limited as well as in the broader sense, 'immediately' or, in other words, action within a reasonable time and without undue delay. "In "Nalli v. State," the High Court of Madras dismissed a case on the grounds of 'unexplained delay' and 'inordinate time taken' for the case to be forwarded to the Magistrate, emphasizing the prescience of swift FIR lodging.

Reports

Committee on Reforms of Criminal Justice System , (2003), The excerpt discusses the present role assigned to victims under existing criminal law, particularly focusing on the process of filing a First Information Report (FIR) and the challenges victims face when interacting with the police. It illustrates some circumstances where victims get frustrated or lack the sense of being protected by police, which isolates them from the legal system.Also, it briefly in point number (41) Refusal to entertain complaints regarding commission of any offence shall be made punishable. discusses the issues with police procedures requiring reforms like deletion of section 155(4) and making it obligatory for police to inquire into each complaint.

Anviti Chaturvedi , (2017) , In this paper, it is argued that the establishment of an independent complaints authority in relation to the police misconduct cases is highly pressing,

as illustrated by some cases from the United Kingdom and the United States of America. It stresses that though there has been a relative improvement in legal codes on policing, there is a lack of a systemic mechanism through which India's police forces can be held accountable for all types of police misconducts. The proposed Model Police Act of 2006 suggested the formation of complaint authorities at regional and district levels, more precisely, the state and the district, and these have set compositions to get the new complaints investigating agencies free from bias. But they have drawn this attention to the fact that a number of them have not implemented the Act at all or implemented it only partially like Jammu and Kashmir and Uttar Pradesh, and this deviation in the composition of the authorities that have been set up is not in accordance with the Model Rules that have been laid down by the Supreme Court and the drafting committee. Also, the paper covers the elements of community policing and the positive impact it has in building such a relationship between the cops and the society. There are various governments' policies, actions, and programs, which are drawn on to enhance quality life and security of the people. Nevertheless, Police-Public relations continue to face the following challenges according to the Second Administrative Reforms Commission; corruption, police illiteracy, leakage of the police force to local political leaders, and perceived political influence in police operations. All of these need to be addressed in order to form a more effective approach to the policing service that will embrace the citizens' aspects.

Notification

Government of India, Ministry of Home Affairs. (2015, October 12), The advisory provided by the advisory from the MoHA indicate that the compulsory registration of FIRs does not allow police officers to discriminate against anybody on grounds of religion, gender, or ethnicity. It makes a legal position again clear that police officers are bound to file FIRs on information revealing a cognizable offense regardless of the place. Referring to previous advisories I focused on the same principle in 2013 and 2014 advisories. Also, it draws attention to a suggestion presented by the National Commission for Minorities to prevent further erosion of the minorities' confidence in the nation's criminal justice system by requiring the immediate filing of FIRs, filling of charge sheets, and the commencement of the trials forthwith. The advisory highlights FIR registration as the crucial initial stage of criminal justice mechanism and demands the concerted and immediate non discriminant action from all the states and UTs to ensure that first information reports are filed without any prejudice.

RESEARCH GAP

1. Lack of data : There is a lack of reliable data on the number of crimes the subject matter of reporting of crime and its disposal, timeline involved, reported to Supervisor and resolution received, etc.
2. Lack of Comprehensive Research : There is a lack of comprehensive research on the factors that contribute to low reporting rates of crimes in India. The existing research has focused on the reporting of Information, the police's response to reports of crime, and the legal and procedural barriers to reporting crimes. However, there is no comprehensive study that has examined all of these factors in detail.
3. Lack of understanding of the police's response to reports of crime: The police's response to reports of crime is not fully understood. This makes it difficult to develop strategies to improve the police's handling of reports of crime.
4. Lack of understanding of the legal and procedural barriers to reporting crimes : The legal and procedural barriers to reporting crimes are not fully understood.
5. Lack of inclination on adaptation technological advancement oriented research : The subject matter remains untouched even after initiatives of Digital India by the Indian Government, The Global scenario on captioned subject matter needs to be thoroughly understood.

RESEARCH OBJECTIVE:

1. To assess the current state and modes of reporting of information to the police in India.
2. To assess the laws, policy and guidelines related to subject matter of police accountability at different levels, related timeline, and lacunas on reporting of information.
3. To assess the adaptation of technology related to the subject matter of information to police.
4. To assess the impact of amendments and enactments relating to the Subject Matter of Reporting of Information to police in India and the role of police under criminal procedural laws of India.
5. To assess the global scenario on the subject matter of reporting of information to the police.

RESEARCH METHODOLOGY

The researcher is going to adopt the Doctrinal Research Methodology .The technique of writing adopted is both descriptive and analytical.

● Analyzing the present laws and enactments related to Information to Police and Role of Police therein.

●Analyzing the available Judgments, reports, research articles, etc related to the subject matter.

●Analyzing the available statistics and data available in relation to the subject matter.

● Analyzing and Comparing the laws, enactments and technological advancement in different countries related to the subject matter.

● Analyzing and Comparing the Institution involved in the relation to the subject matter.

● Analyzing the Technological Advancement that can be utilized to resolve the concerned subject matter.

SCOPE OF THE RESEARCH

The research scholar would include the following aspects of the study:

1. The Evolution of the laws for Information to Police and Role of Police specifically related to Information to Police and subject matter of Information Collections vis-à-vis Criminal Procedure Code nationally and internationally.
2. The analysis of the legal aspects of Information to Police and Investigation Powers of Police when Information received as in enactments its ambiguity and disputed scenario.
3. The study regarding the loopholes in the bottleneck enactment On Information to Police and Investigation Powers of Police vis-à-vis Criminal Procedure Codes of India.
4. The need to legally redraft and enact those loopholes which is due since long when it comes to the subject matter of the Information to Police and Role of Police from the legal lacunas of Criminal Procedure Codes of India.
5. The exploration of the judicial decision enshrined under the present scenario and adaptation of technological advancement by India vis a vis other parts of the world related to the captioned subject matter.

6. The necessity to enact a separate body to deal with Information / Complaint Mechanism and to enact a Law for Accountability in Role of Police in regards to Information to Police, Fair hearing and Right to register complaint without any biasness whatsoever, time bound police investigation on receiving Information to Police under the Criminal Procedure Code.

HYPOTHESIS:

In India there are legal ambiguities and challenges in the reporting mechanisms and the subsequent role of the police under the Criminal Procedure Laws in India, which, when identified and addressed, can contribute to a more efficient and just criminal justice system. In view of the above statement following hypothesis is formulated:

1. Reporting of Information to Police is suffering from several pernicious defects such as Delay in registering the FIR and non-registration of FIR which leads to a roadblock on the footstep of the Criminal Justice System of India.

2. Reporting of Information to Police is the essence of criminal justice system and a mandatory requirement, The undefined and unclear modes of Reporting of Information and its validity itself constitutes travesty of justice and the Role of Police must be clearly defined and codified therein in the Criminal Procedural Code for protecting the interest of the victim.

3. The state is under a Constitutional mandate to ensure State Police comply with the procedural laws and guidelines from the MHA and Judiciary but yet there is no consensus among the states itself in envisaging a unified system for Reporting of Information and Role of Police.

4. There appears an urgent need to bring punishment for accountability of Police Officers and their superiors in case of repeated failures in complying with the criminal procedural laws and guidelines laid down in relation to Reporting of Information to Police and ensure strict enforcement of deadline for abiding with the procedural guidelines and regulation in terms of Reporting of Information to Police as related data, timeline, etc are all unclear and in non-existence.

5. Existing laws , proposed amendments, enactments and technological advancement thereafter sufficient for complying with Effective and Transparent Reporting of Information to

Police vis-à-vis the Role of Police under Criminal Procedural Laws in India and the Indian Criminal Justice System in India. for fair & unbiased Criminal Justice System in India and to put an end to abuse of law from the very beginning of Criminal Procedural Laws in India.

RESEARCH QUESTIONS:

1. What are the existing procedures and practices for reporting information to the police in India?
2. What are the common challenges faced by citizens in reporting information to the police?
3. How effective are current laws and policies in addressing issues of delay and non-registration of FIRs?
4. What mechanisms are in place to ensure police accountability, and how effective are they in ensuring timely actions by senior police officers in handling complaints and information reporting?
5. How has technology been integrated into the process of reporting information to the police in India?
6. What recent amendments and enactments have been made in the Criminal Procedure Code regarding the reporting of information to the police?
7. How do other countries handle the process of reporting information to the police, and what best practices can be identified?

LIMITATION OF THE STUDY

The study is limited to Reporting of Information vis a vis Role of Police and loopholes & lacunas in filing and registering complaint and subsequent police investigation which is not time bound and sometimes takes days but for a very similar case it may takes months, years and so on, hence accountability of police plays eminent role in reporting of crime.

The study shall not deal with the evidence act, procedure required for collection of evidence and related varied topics neither is it going to discuss the functions and powers of Magistrate vis a vis police under the Criminal Procedure Code.

The study shall deal with different roles of police under CrPC and limit itself to the subject matter i.e. Role of Police in Reporting of Information of Information to Police under Criminal Procedural laws in India.

The study will not deal in details to the extent of reporting of information to different law enforcement authorities.

PROBLEM IDENTIFICATION

1. Public's perception of the police: The public's perception of the police is a major factor that contributes to low reporting rates of crimes. If the public does not trust the police, they are less likely to report crimes.
2. Police's response to reports of crime: The police's response to reports of crime is also a major factor that contributes to low reporting rates. If the police are seen as being unresponsive or corrupt, the public is less likely to report crimes.
3. Legal and procedural barriers: There are also a number of legal and procedural barriers that make it difficult for people to report crimes to the police.
4. Need of Separate Institution : Separate Institutions may be enshrined for reporting and better addressing other issues.
5. Police Accountability : There are no appropriate role or adjudication looking after it
6. Non-Adaptation of Technology : Technology is not adapted at its fullest, there is a clear lack of adaptation & implementation.
7. Lack of Evidence : The backbone of criminal law for punitive punishment is Evidence, And the person has no evidence at time when the Police officer denies filing of FIR or even taking information complaints.

CONTRIBUTION TO SOCIETY

- Improved access to justice
- Improved trust and confidence in the police
- Reduced crime rates
- Increased accountability of the police
- Increased public safety
- Strengthened rule of law
- Providing better transparency to public at large on their grievances raised

CHAPTERIZATION

The Research Thesis is entitled "An Analytical Study on the position of Reporting of Information to Police vis-à-vis the Role of Police under the Criminal Procedure Laws in India."

The First Chapter is entitled as "Introduction" which includes the brief historical past of the chosen subject matter, conceptual issue of the position of Reporting of Information to Police vis-à-vis the Role of Police under the Criminal Procedure Laws in India, assertion of the problem, hypothesis, scope of the research study, limitation of research study, research methodology followed with Review of Literature as no one can complete one's research without reviewing the existing literature as the evaluation of past is cardinal, because it offers guidance and reveals factors which need particular interest. The researcher has taken into consideration various aspects towards the research worthiness of the topic as it includes reviewing laws and enactments, law enforcement agencies Institutions, Studies and Reports, Research Articles, Research Thesis, and related Judgments and have assess and evaluate the Research Gap for the research study.

The Second Chapter entitled as "History and Evaluation on the position of Reporting of Information to Police " highlighting the hierarchy of how Reporting of Information of Crime was being done in different era's / period and thereafter evaluating and assessing the lacuna's in the Criminal Procedural Code of India , 1973 relating to the subject matter of of Reporting of Information to Police vis-à-vis the Role of Police under the Criminal Procedure Laws in India.

The Third chapter is entitled as "The Amendments to the Criminal Procedural Codes of India relating to the subject matter of of Reporting of Information to Police vis-à-vis the Role of Police under the Criminal Procedure Laws in India "In this chapter a detailed overview with reference to the literature review.

The Fourth Chapter is entitled as "Analyzing the global context of the subject matter of Reporting of Information/ Crime to Police vis-à-vis the Role of Police under the Criminal Procedure Laws in India. In this chapter aspects such as transparency, technology adaptation

and innovations and non-biasness and so on and so forth will be evaluates and assess on global perspective.

The Fifth Chapter is entitled to "Conclusion and Suggestions" the said chapter deals with concluding the research study, analyzing the past and present scenario and enumerating recommendations and suggestion for the future in relation to the subject matter of Reporting of Information/ Crime to Police vis-à-vis the Role of Police under the Criminal Procedure Laws in India.

REFERENCES

Books

- ✓ Chaturvedi, J. C. (2006). *Police administration and investigation of crime*. Isha Books.
- ✓ Kuldeep, S., & Shaveta, B. (2020). *Police administration: Emerging issues & concerns*. Selective and Scientific Books.
- ✓ Mathur, K. M. (2013). *Police in India: Problems and perspectives*. Gyan Publishing House.
- ✓ Sharma, A., & Sharma, R. (2015). *Police administration in India: The legal developments*. Regal Publications.

Journal Articles

- ✓ Chauhan, N. (2017, November 9). 75% of people do not report crimes as cops are unfriendly. *The Times of India*. https://timesofindia.indiatimes.com/india/75-of-people-do-not-report-crimes-as-cops-are-unfriendly/articleshow/61569006.cms
- ✓ Deswal, V. (2013). Burking of crimes by refusal to register FIR in cognizable offences. *Journal of the Indian Law Institute, 55*(3), 361–375. http://www.jstor.org/stable/43953675
- ✓ Divya, L., & ors. (2016). Advanced immediate crime reporting to police in India. *Procedia Computer Science, 85*, 543-549.
- ✓ Gupta, R. K. (2004). Law & order administration in ancient India. *The Indian Journal of Political Science, 65*(1), 111–122. http://www.jstor.org/stable/41855801

- ✓ Kumar, M. (2013). Accountability of Indian police: A historical appraisal. *The Indian Journal of Political Science, 74*(4), 733–742. http://www.jstor.org/stable/24701169
- ✓ Khanchandani, H. (2022, February 11). Registration of FIR in light of Lalita Kumari V. Govt. of Uttar Pradesh: Case analysis. *Criminal*. Retrieved from https://articles.manupatra.com/article-details/Registration-of-Fir-in-Light-of-Lalita-Kumari-V-Govt-of-Uttar-Pradesh-Case-Analysis
- ✓ Raperia, S. (2022). Ingredients and law of registration of FIR in India under the Criminal Procedure Code. Available at SSRN: https://ssrn.com/abstract=4120080
- ✓ Tiwari, A. (2016). Non-registration of crimes: Problems & solutions. In *Research studies (1970 – 2016) - Compendium of national police research depository* (pp. 432-433).
- ✓ Anto, A. (2021). *Analyzing the delay, pendency and backlog of criminal matters in India in the light of COVID-19 with special reference to Kerala: An empirical study* (Master's dissertation). National University of Advanced Legal Studies, Kochi.

Thesis

- ✓ Chander, S. (2012). *Police and criminal justice administration* (Doctoral dissertation). Guru Nanak Dev University. http://hdl.handle.net/10603/23693
- ✓ Indora, R. (2020). *Role of police in criminal justice system in India: Problems and challenges* (Doctoral Thesis). Maharshi Dayanand University. http://hdl.handle.net/10603/362718
- ✓ Manjaria, B. N. (2014). *An evaluative study on role of police in administration of criminal justice system: Special reference to state of Gujarat* (Doctoral dissertation). Hemchandracharya North Gujarat University. http://hdl.handle.net/10603/45012
- ✓ Singh, A. K. (2022). *The role of police in criminal justice system: A study in Indian perspective* (Doctoral dissertation). IFTM University. http://hdl.handle.net/10603/382009

Reports

- ✓ Committee on Reforms of Criminal Justice System. (2003, March). *Government of India, Ministry of Home Affairs*. Chairman: Dr. Justice V.S. Malimath. Volume 1.
- ✓ Chaturvedi, A. (2017, June). *Police reforms in India*. PRS Legislative Research.

Conference Papers

- ✓ Singh, T., & Singh, P. K. (2014). Refusal to register FIR in cognizable offences leads lawlessness and denying justice to millions of Indians. In *Proceedings of the International Conference on Law, Management and Humanities (ICLMH'14)*, June 21-22, 2014, Bangkok, Thailand.

Online Resources

- ✓ JSTOR. (n.d.). Retrieved from http://www.jstor.org/
- ✓ Kongara, S. S. (2022). Delay in lodging FIR and its impact on trial: A critical study. *Supremo Amicus, 31*. Retrieved from https://www.supremoamicus.org
- ✓ Manupatra. (n.d.). Retrieved from https://www.manupatra.com
- ✓ ShodhGangotri. (n.d.). Retrieved from https://shodhgangotri.inflibnet.ac.in/
- ✓ Shodhganga. (n.d.). Retrieved from https://shodhganga.inflibnet.ac.in/
- ✓ PRS Legislative Research. (n.d.). Retrieved from https://prsindia.org/
- ✓ India Code. (n.d.). Retrieved from https://www.indiacode.nic.in/
- ✓ Times of India. (n.d.). Retrieved from https://timesofindia.indiatimes.com/
- ✓ Government of India, Ministry of Home Affairs. (n.d.). Retrieved from https://www.mha.gov.in/

Akshaysinh Nitirajsinh Chudasama
Research Scholar
Enr. No. 20220 3012

P. Lakshmi
28-05-2024
Prof. Dr. P. Lakshmi
Dean UWSL
Research Supervisor